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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 20th November, 1967:—

BILL No. XX OF 1967

A Bill further to amend the Dock Workers (Regulation of Employment) Act, 1948.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Dock Workers (Regulation of Employment) Amendment Act, 1967. Short title.

2. In section 3 of the Dock Workers (Regulation of Employment) Act, 1948 (hereinafter referred to as the principal Act), in sub-section (2), after clause (*g*), the following clause shall be inserted, namely:— Amendment of section 3.

9 of 1948.

"(*gg*) for the welfare of the officers and other staff of the Board;".

Insertion of new section 7A.

3. After section 7 of the principal Act, the following section shall be inserted, namely:—

Offences by companies.

'7A. (*1*) If the person committing an offence punishable by a scheme or any abetment thereof is a company, every person who, at the time the offence or abetment was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence or abetment and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence or abetment was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence or abetment.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an offence punishable by a scheme or any abetment thereof has been committed by a company and it is proved that the offence or abetment has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence or abetment and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm and other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.'.

STATEMENT OF OBJECTS AND REASONS

The Dock Workers (Regulation of Employment) Act, 1948, provides mainly for reducing the hardship caused to dock workers on account of the casual nature of their employment. The Act empowers the Central Government, in relation to any major port, and the State Government, in relation to any other port, to make a scheme for the registration of dock workers and regulating the employment of dock workers, whether registered or not, in a port.

2. So far schemes have been framed for certain specified categories of stevedore labour in the ports of Calcutta, Bombay, Madras, Cochin, Vishakhapatnam and Mormugao providing for allotment of work by rotation, payment of guaranteed minimum wages, attendance allowance, etc.

3. The actual working of the Act and the schemes made thereunder has made it necessary to make certain amendments in the Act. Though a scheme made under section 3 of the Act may make provision for welfare measures with respect to dock workers, there is no provision in the Act empowering the Central Government to make provision for welfare measures with respect to the staff of the dock labour boards in such a scheme. In order to enable the Board to incur expenditure on welfare measures with respect to its staff, it is proposed to amend suitably sub-section (2) of section 3 of the Act.

4. At present when a company (including a firm or other association of individuals) commits an offence under the Act, there is no provision making the Director, Manager, etc., of the company liable for the offence. It is proposed to insert a new section in the Act on the lines of section 22C of the Minimum Wages Act, 1948, and similar provision contained in some other labour laws, for making the Directors, Managers, etc., of the companies liable for offences or abetment thereof punishable by schemes framed under the Act.

5. The Bill seeks to give effect to the amendments proposed above.

NEW DELHI;
The 9th October, 1967.

J. L. HATHI.

B. N. BANERJEE,
Secretary.

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